

**ORDINANCE AMENDING
SECTION 8-2-25
OF THE VILLAGE CODE**

WHEREAS, the Title 8,-Police Regulations, of the Village Code contains provisions making the transmission of obscene messages a criminal offense; and

WHEREAS, Section 8-2-5 of the Village Code does not reflect current methods of transmitting messages that may be harassing or obscene; and

WHEREAS, the Village authorities desire to amend Section 8-2-5 to conform with the Illinois State Statute regarding the transmission of harassing or obscene messages (720 ILCS 5/26.5-1,2,3).

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality, the following:

Section One. Section 8-2-25 is hereby amended to read as follows:

8-2-25: TRANSMISSION OF HARASSING AND OBSCENE MESSAGES:

(A) No person shall send messages or use language or terms which are obscene, lewd or immoral with intent to offend by means of or while using a telephone or telegraph facilities, equipment or wires of any person, firm or corporation engaged in the transmission of news or messages between states or within the State of Illinois. The use of language or terms which are obscene, lewd or immoral is prima facie evidence of the intent to offend.

(B) A person commits the offense of harassment by telephone when he uses a telephone communication for any of the following purposes:

1. Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent with an intent to offend; or
2. Making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number; or
3. Making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number; or
4. Making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or
5. Knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein.

(C) A person commits harassment through electronic communications when he or she uses electronic communication for any of the following purposes:

1. Making any comment, request, suggestion or proposal which is obscene with an intent to offend; or

2. Interrupting, with the intent to harass, the telephone service or the electronic communication service of any person; or
3. Transmitting to any person, with the intent to harass and regardless of whether the communication is read in its entirety or at all, any file, document, or other communication which prevents that person from using his or her telephone service or electronic communications device; or
4. Transmitting an electronic communication or knowingly inducing a person to transmit an electronic communication for the purpose of harassing another person who is under 13 years of age, regardless of whether the person under 13 years of age consents to the harassment, if the defendant is at least 16 years of age at the time of the commission of the offense; or
5. Threatening injury to the person or to the property of the person to whom an electronic communication is directed or to any of his or her family or household members; or
6. Knowingly permitting any electronic communications device to be used for any of the purposes mentioned in this section (C).

[underlining connotes additions]

Section Two. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

Section Three. All ordinances, resolutions, motions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded; and this Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS _____ day of August, 2014.

AYES: _____ NAYS: _____ ABSENT: _____.

APPROVED THIS _____ day of August, 2014.

ATTEST:

Village Clerk

Village President